

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/30/11

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PASHA S. ANWAR, *et al.*,

Plaintiffs,

v.

FAIRFIELD GREENWICH LIMITED,  
*et al.*,

Defendants.

Master File No. 09-CV-118 (VM) (THK)

This Document Relates To: *Lou-Martinez v. Standard Chartered Bank International (Americas) Ltd.*,  
No. 10-cv-8272.

**STIPULATION AND ORDER DISMISSING  
STANCHART SECURITIES INTERNATIONAL AND COUNTS  
ONE AND TWO OF PLAINTIFFS' AMENDED COMPLAINT**

**WHEREAS**, on September 27, 2010, Plaintiffs Moises Lou-Martinez and Wong Yuk Hing de Lou (together, the "Lou-Martinezes") initiated the instant action ("*Lou-Martinez*") against Standard Chartered Bank International (Americas) Ltd. ("SCBI"), StanChart Securities International ("StanChart") and Standard Chartered PLC (collectively, "Standard Chartered") in the Southern District of Florida, asserting claims for conversion (Count One), breach of fiduciary duty (Count Two), unjust enrichment and constructive trust (Count Three), fraud (Count Four), breach of duty of care (Count Five) and gross negligence (Count Six), arising out of investments in Fairfield Sentry Ltd. ("Fairfield Sentry") made through their private banking account at SCBI;

**WHEREAS**, on September 29, 2010, plaintiffs in *Anwar v. Fairfield Greenwich Ltd.*, No. 09-cv-118 (VM) ("*Anwar*") filed the Second Consolidated Amended Complaint;

**WHEREAS**, Moises Lou-Martinez is a named plaintiff in *Anwar* and alleges, among other things, that in September 2005 he “invested assets in Fairfield Sentry,” based upon “false and misleading representations” in Fairfield Sentry’s offering and marketing materials, upon which he “justifiably relied,” (*Anwar* Second Am. Compl. ¶¶ 60, 181, 358);

**WHEREAS**, on October 19, 2010, the Lou-Martinezes filed the Amended Complaint in *Lou-Martinez*, asserting the same six causes of action as their original complaint;

**WHEREAS**, on November 5, 2010, the Judicial Panel on Multidistrict Litigation transferred *Lou-Martinez* to this Court, and this Court consolidated *Lou-Martinez* into *Anwar*;

**WHEREAS**, on March 21, 2011, Standard Chartered moved to dismiss the Amended Complaint in *Lou-Martinez*, arguing, among other things, that plaintiffs cannot maintain Counts One and Two because those claims are based on the theory that plaintiffs “never agreed to, authorized, acquiesced in or ratified the investment . . . in the Fairfield Sentry Fund,” and did not learn of the investment until January 2009, (Am. Compl. ¶¶ 30-32);

**WHEREAS**, on May 10, 2011, Standard Chartered served Moises Lou-Martinez with requests for admission pursuant to Rule 36 of the Federal Rules of Civil Procedure, seeking admission of the facts alleged in the *Anwar* complaint concerning Lou-Martinez’s decision to invest in Fairfield Sentry, to which he did not respond;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned counsel for parties in the above-captioned actions, that:

1. The Lou-Martinezes agree to voluntarily dismiss Count One (Conversion) of their Amended Complaint with prejudice, and to withdraw the allegation of “conversion” from Paragraph 1 of their Amended Complaint;
2. The Lou-Martinezes agree to voluntarily dismiss Count Two (Breach of Fiduciary Duty) of their Amended Complaint without prejudice;
3. The Lou-Martinezes agree to voluntarily dismiss StanChart from this action;

4. The Lou-Martinezes agree to voluntarily amend Paragraph 5 of their Amended Complaint to remove the language "if in fact it was made."

5. The Lou-Martinezes agree to voluntarily withdraw Paragraphs 17 and 18 of their Amended Complaint;

6. The Lou-Martinezes agree to voluntarily amend Paragraphs 31, 34 and 35 of their Amended Complaint to reflect the fact that Standard Chartered issued account statements reflecting their investment in the Fairfield Sentry Fund; and

7. In consideration of the foregoing, Standard Chartered agrees not pursue the costs incurred in defending against Counts One and Two of the Amended Complaint.

Respectfully submitted,

DATE: August 30, 2011

CURRAN & ASSOCIATES

by



Laurence E. Curran  
Attorney for Plaintiffs Moises Lou  
Martinez & Wong Yuk Hing de Lou

DATE: August 30, 2011

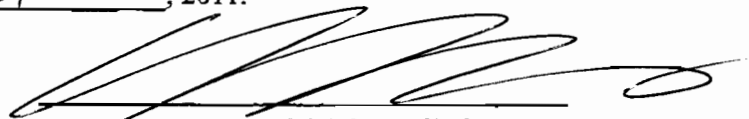
SULLIVAN & CROMWELL LLP

By



Sharon L. Nelles  
Attorneys for Defendants Standard  
Chartered International (Americas) Ltd.,  
Standard Chartered PLC, and StanChart  
Securities International, Inc.

SO ORDERED this 30<sup>th</sup> day of August, 2011.



HON. VICTOR MARRERO  
UNITED STATES DISTRICT JUDGE